

REMARKS

Claims 1-11 were pending in the application. Claims 1 - 11 have been amended. New claims 12 through 17 have been added. Support for these claims can be found in paragraphs [0030 – 0036] of the disclosure. Applicant respectfully requests reconsideration.

SPECIFICATION

Applicant wishes to replace paragraph [0035] with the newly amended paragraph as provided on page 2 herein.

CLAIM REJECTIONS UNDER 35 USC §102

The Office Action has rejected claims 1-11 under 35 USC 102(b) as being anticipated by Horvitz et al. (US 6,161,130). For a reference to anticipate a claim, each element and limitation of the claim must be found in the reference. Hoover Group, Inc. v. Custom Metalcraft, Inc., 66 F.3d 299, 302 (Fed. Cir. 1995).

Claim 1 is not anticipated by Horvitz because Horvitz does not teach the limitation of using at least two email directories, each directory with a different range of likelihood of spam content. Horvitz uses an inbox directory and only one spam directory.

Additionally, Horvitz does not teach or suggest the limitation of assigning a range of likelihood of spam content to each directory. Instead, Horvitz is limited to classifying the email

messages and then using the messages in training. Horvitz uses only two classes of messages, teaching away from the limitations of the claims at issue which recite a minimum of three different directories for email messages.

Claim 2 is dependent upon claim 1 and is therefore not anticipated by Horvitz for at least the same reasons that claim 1 is not anticipated by Horvitz. In addition, claim 2 recites a limitation of assigning an email to at least two different directories if the email falls within an overlap range. Horvitz's email classification system does not provide for an overlap range or the possibility of assigning the same email to two different directories. Therefore, claim 2 is not anticipated by Horvitz and its rejection should be withdrawn.

Claims 3 through 7 are dependent on claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

Claims 8, 10, and 11 are counterpart claims to claim 1 and contain the above-stated limitations as found in claim 1 that are clearly not anticipated by Horvitz; therefore claims 8, 10, and 11 are not anticipated by Horvitz and their rejections should be withdrawn.

New claims 12-17 are not anticipated by Horvitz because the new claims further elaborate on the method of classifying email by using multiple directories wherein each directory is assigned a different range of likelihood spam content. Further, the new claims 12-17 are not anticipated by Horvitz by virtue of their dependence on claim 1 which is not anticipated by Horvitz for the reasons as stated above.

For the foregoing reasons, Applicant respectfully requests allowance of the pending claims.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Buchenhorner", written over a horizontal line.

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